

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

ERIK MAGANA

PLAINTIFF

V.

CIVIL ACTION NO.: 3:20-CV-272-GHD-JMV

CORE CIVIC, INC., et al.

DEFENDANTS

**ORDER GRANTING ATTORNEY'S FEES AND EXPENSES INCURRED IN MAKING
THE MOTION TO COMPEL [114]**

This matter is before the court on the submission of itemized fees and expenses by Defendants CoreCivic Inc.; Tallahatchie County Correctional Facility (“TCCF”), Warden Rafael Vergara; Correctional Counselor Tarmeisha Hampton; Unit Manager Lillie Hazard; and Facility Investigator Billy Baker (collectively, the “TCCF Defendants”) related to the filing of their Motion to Compel [114]. The Court has considered the itemization of fees submitted by the TCCF Defendants on January 30, 2023, and the applicable law, and awards fees and expenses as detailed herein. The Court notes that counsel for Plaintiff did not submit a response in opposition to the itemization of fees submitted by the TCCF Defendants, which was due on or before February 6, 2023, pursuant to the Order [151] entered on January 27, 2023.

Federal Rule of Civil Procedure 37(a)(5)(A) states in relevant part, “the court *must*, after giving an opportunity to be heard, require the party or deponent whose conduct necessitated the motion, the party or attorney advising that conduct, or both to pay the movant’s reasonable expenses incurred in making the motion, including attorney’s fees.” (emphasis added). Accordingly, the award of costs is mandatory pursuant to Rule 37 where the motion to compel is meritorious, which the Court found that it was.

The Court, having reviewed the itemization of fees submitted by the TCCF Defendants, finds that the following entries totaling 7.9 hours are “reasonable,” as defined by Rule 37(a)(5)(A):

11/22/2022	Anna Little Morris	1.40
11/22/2022	Anna Little Morris	0.90
11/22/2022	Anna Little Morris	1.50
11/30/2022	Anna Little Morris	0.50
11/30/2022	Anna Little Morris	1.20
11/30/2022	Anna Little Morris	2.40

The TCCF Defendants seek a rate for work performed by Anna Little Morris, an attorney with the law firm of Butler Snow LLP, in the amount of \$220.00 an hour. Plaintiff has not contested this hourly rate. Such hourly rate is hereby found to be reasonable based on the local market. *Volvo Fin. Servs., a division of VFS US LLC v. Williamson*, 2018 WL 1096852, at *2 (S.D. Miss. Feb. 28, 2018) (\$225 per hour for senior associates with seven years of experience are reasonable hourly rates in the Southern District of Mississippi); *Alexander v. City of Jackson*, 2011 WL 1059293, at *14 (S.D. Miss. Mar. 21, 2011) (\$200 per hour for associates); *Sales v. Bailey*, 2015 WL 1825060, at *3 (N.D. Miss. Apr. 22, 2015), citing *Johnson v. Big Lots Stores, Inc.*, 639 F.Supp.2d 696, 701–02 (E.D. La. 2009) (awarding \$225 per hour for associate).

PLAINTIFF IS, THEREFORE, ORDERED to pay the TCCF Defendants’ fees and expenses in the amount of \$1,738.00, which were incurred in making the Motion to Compel [114].

SO ORDERED this, the 13th day of February, 2023.

/s/ Jane M. Virden

UNITED STATES MAGISTRATE JUDGE